

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ALLAN MILLER,

Plaintiff - Appellant,

v.

HFN, INC., a Delaware Corporation, d/b/a as
NANOHEAL BY HFN INC.,
KALAARI CAPITAL ADVISORS
PRIVATE LIMITED, an Indian Company,
SRIDHAR SANTHANAM,
KUMAR SHIRALAGI, PAVAN VAISH,
and VANI KOLA

Defendants - Appellees.

No. 23-16130

D.C. No. 3:23-cv-00533-VC
U.S. District Court for Northern California,
San Francisco

**PLAINTIFF-APPELLANT ALLAN
MILLER’S MOTION FOR
VOLUNTARY DISMISSAL OF
APPEAL**

Plaintiff-Appellant Allan Miller (“Miller”) hereby moves the Court, pursuant to Fed. R. App. P. 42(b)(2), to dismiss this appeal. In support of this motion, Miller states as follows:

1. The dismissal by the District Court was highly prejudicial against Miller, for at least the reasons of not addressing the claims arising under federal patent law, dismissing based solely on “evidence” from the Defendants in the form of declarations which plainly contained a number of lies, not transferring a jurisdictional dismissal without prejudice to a new district, and basing the dismissal on facts that were “probably” true (the words of the District Court) without allowing limited discovery to find facts that are **actually** true.

2. For at least these reasons, Miller is confident that the appeal in this Court would be successful.
3. However, based on the September 18, 2023 meeting with the Circuit Court Mediator, Plaintiff-Appellant Miller has concluded that these Defendants are not concerned with, or perhaps not even aware of, the extensive harm they have caused. Therefore, in the interest of judicial efficiency in this Court, the best way forward with these Defendants will be to pursue justice through means other than an appeal that will ultimately end up in the same District Court.

Accordingly, Miller moves to dismiss his appeal from the District Court's dismissal. No appeal briefs have been filed by either side.¹ Miller requests that this Court grant the voluntary dismissal of this appeal, with each side to bear its own costs.

Date: October 20, 2023 Signature: /s/ Allan A. Miller
Printed name: Allan A. Miller

Certificate of Service

I certify that Plaintiff-Appellant Allan Miller's Motion for Voluntary Dismissal of Appeal was filed electronically via the Court's ECF system, and accordingly was served upon all parties.

Date: October 20, 2023 Signature: /s/ Allan A. Miller
Printed name: Allan A. Miller

¹ Appellant's initial brief is due on October 23, 2023. The Court's August 25, 2023 order directed that the Appellee's answering brief would be due on November 22, 2023.